



Cherry orchard on the east shore of Flathead Lake

LAND USE

Executive Summary—Conditions and Trends

As the population of Lake County and the region expands, the demand for residential homes, commercial sites, industrial facilities and supporting infrastructure will also increase. The demand for these necessities links seemingly separate issues such as air quality, school facilities, emergency services, wildlife habitat, water availability and traffic safety. Where we decide to build residences, businesses, water and sewer systems and roads is the central issue that links all of the others together.

The 1855 Hellgate Treaty created the 1,316,871-acre Flathead Indian Reservation, which overlaps with approximately two-thirds of Lake County. The reservation was opened to non-native settlement in the early 1900s and since that time, much of the land on the reservation, particularly in the valley bottoms and along Flathead Lake, has left tribal control. Jurisdiction over land use policy is a major issue in the overlapping territory. In order for any land use planning efforts to be truly effective, both the lands under Lake County's jurisdiction and the lands under the Confederated Salish & Kootenai Tribes' jurisdiction must be included and treated equally. This will require an unprecedented level of communication, cooperation and commitment.

The majority of land in Lake County has historically been, and continues to be, used for agricultural and timber production. While the local soils are generally good and a large portion of the tillable land is irrigated, a number of

factors are combining to push farmers and ranchers out of production. These include low commodity prices, fluctuating markets, the small average size of local farms, the high average age of farmers, the increasing value of residential parcels and the increasing pressures from nearby residential development. If commodity prices do not rise and stabilize in the coming years, Lake County is likely to see far fewer viable agricultural operations and more subdivisions and ranchettes. Additionally, the U.S. Forest Service, which manages a large portion of the land in the Swan Valley, has reduced the timber yields on its lands in recent years.

Lake County is largely rural, although a number of population centers exist. These areas are located on major transportation routes and are where the majority of the commercial activity takes place. The communities are generally prime areas for expansion due to the lack of natural limitations and because their expansion would be efficient from a cost-of-services standpoint. The major factor that currently limits the growth of these population centers is the lack of public water and sewer capacity.

From 1993-2002, more than 1,600 new lots were recorded in Lake County. Approximately 400 of these were created outside of the subdivision process, which is tailored to ensure that safety and other public interest criteria are met. The new lots are resulting in a changing rural countryside and have brought about some conflict between established uses and new ones.

Executive Summary—Conditions and Trends

Recent development has been concentrated along the Highway 93 corridor from Arlee to Polson, on the east and west shores of Flathead Lake and in the northern Swan Valley.

Lake County currently employs a number of regulations and policies to provide for safe and sound development. These include floodplain, subdivision, lakeshore protection, sanitation and zoning regulations (in select areas). The public has stated that the preservation of individual property rights is a major concern. All land use regulations must balance the individual's rights with the welfare of the surrounding community.

The number and density of commercial advertising signs has steadily increased in recent years, particularly close to Polson along Highways 35 and 93. The signs are loosely regulated by Lake County and are currently not regulated by the Tribes. Such signs provide effective advertising options to local business owners while sometimes obstructing high quality and economically important scenery.

A number of lands in the area are held for

conservation purposes. These lands are managed by tribal, federal, state and private agencies. The agencies pursue lands with high conservation value for outright purchase, the purchase of easements or the donation of easements by the landowner. The steady increase in both property values and subdivision results a higher degree of difficulty in obtaining easements and in fragmentation of habitat. The character of these lands and the wildlife they support are some of the Mission and Swan Valleys' greatest assets.

There are many outdoor recreation opportunities in the area. These include fishing, hunting, camping, hiking and boating. Within the Flathead Reservation portion of Lake County, these activities require tribal permits. A longstanding concern is the limited public access opportunities to the lakes and rivers in Lake County. While the Tribes have an active wildlands recreation program, the Montana Department of Fish Wildlife and Parks manages some local recreation sites and Lake County has an active park board, no coordinated recreation plan for the Lake County area currently exists.

Land Ownership

There are a number of large landowners within the Lake County boundaries. The Tribes are the largest single landowner, followed by the federal government, the state of Montana and Plum Creek Timber. The Confederated Salish & Kootenai Tribes and individual tribal members own land in Lake County both in trust and fee title. The Flathead Reservation was created prior to either statehood or the establishment of Lake County, and consists of lands which were retained by the tribes, rather than given to them. Cross-governmental jurisdictional issues are ever present. The overlapping Flathead Reservation and Lake County boundaries are shown on the map entitled "Administrative Boundaries, Flathead Reservation and Lake County." Almost all of the cities and towns in Lake County

are located within the reservation boundary.

As stated in the executive summary, much of the land on the Reservation has passed from Indian to non-Indian hands in the last 100 years. In an effort to add land back into the tribal land base, the Tribes have been re-acquiring land on an opportunistic basis since 1910. Since 1986, the Tribes and individual members have placed over 200,000 acres of land in Lake, Missoula, and Flathead counties into tribal trust status. All lands within the reservation boundary held by non-Tribal members are restricted because water rights are not yet established, hunting and fishing must be permitted and big game hunting is only allowed by Tribal members.

The Tribes and tribal members use individually owned and public lands in Lake County for a variety of purposes. On Tribally owned

lands, agriculture, grazing and forestry, water storage, power transmission, commercial operations, and wilderness and open-space preservation are practiced. Some Tribal lands, such as the Mission Mountain Wilderness, are designated for recreational and cultural purposes, while also being managed for wildlife habitat and protection of natural resources. Cultural uses include a wide range of individual and group activities, from seeking solitude for religious reasons to language and educational camps, to hunting, fishing and gathering native plants.

The primary uses of federal lands include timber, dispersed and developed recreation and wildlife habitat. The federal lands are managed by four different agencies, the U.S. Forest Service, the U.S. Fish and Wildlife Service (USFWS), the Department of the Interior, Bu-



One of Lake County's many forested areas.

reau of Indian Affairs and the Bonneville Power Administration. The Forest Service owns large blocks of timberland along the west front of the Swan Range and the eastern side of the Missions off of the reservation. The Forest Service also owns lands in a checkerboard pattern down the center of the Swan Valley to the Missoula County line, as well as some timberlands near Lake Mary Ronan. Over 200 sections are man-

aged as part of the Flathead National Forest, which is based in Kalispell. The USFWS has holdings in Lake County totaling approximately 23 sections. These lands are primarily located on the National Bison Range near Moiese, along the Swan River, and north of the Ninepipe Reservoir. According to the Confederated Salish & Kootenai Tribes, the Tribes own land under and adjacent to the Ninepipe and Pablo reservoirs and lease it to the USFWS, which works with the Tribal Wildlife and Fisheries program staff to manage the wildlife resources in these areas.

Lands owned by the state of Montana in Lake County are used to generate revenue for schools through grazing and timber harvest and also provide recreational opportunities and wildlife habitat. State lands are made up of a combination of scattered sections and the Swan River State Forest (which together total approximately 56,000 acres of grazing and timberlands), and lands managed for wildlife habitat around the Ninepipe Wildlife Management Unit and on Wild Horse Island. The Montana Department of Transportation also owns a small amount of land associated with rights-of-ways, excess property from the purchase of rights-of-ways and road maintenance facilities.

Plum Creek Timber owns and manages approximately 64,000 acres of timberlands in Lake County. Plum Creek's largest local holding is in the Swan Valley, which totals 40,000 acres of checkerboard lands. In the Lake Mary Ronan area, Plum Creek also has 24,000 acres. Plum Creek typically manages its holdings for long term timber production and permits the public to use them for recreation. It also assesses lands to determine the "highest and best use." In some cases, this assessment has shown that recreation and residential development are higher than the values for timber production. When this occurs, the company may sell land, as it recently did in the Swan Valley.

When Plum Creek's sells land in the Swan Valley, its stated preference is the land goes to a conservation buyer, such as the federal government. This policy meets the spirit of the agreement the company signed to manage timber and

protect grizzly bear habitat. Plum Creek has offered 600 acres of Swan River frontage to the Forest Service, as well as 120 acres at Van Lake and 1000 acres of lakefront property on Lake Mary Ronan. The Lake Mary Ronan property is being offered on the open real estate market. Plum Creek reports that the demand for recreational residential property, along with land prices in the Swan, are both very high. Interest in timber harvest from the environmental community is intense in this area as well.

Smaller private holdings, primarily in the valley bottoms, are used for numerous purposes including agriculture, residences, recreation and commercial and industrial activities. Denser de-

a major part of the local culture. Although the growing season varies by elevation and proximity to Flathead Lake, the growing season (defined as the number of days above 32 degrees Fahrenheit for five out of ten years) lasts from 117 days per year at St. Ignatius to 135 days per year at Polson. The last freeze dates in the spring generally occur in late April and early May while the first freeze dates in the fall occur by mid-September. Annual precipitation averages about 16.5 inches in the valley bottoms. (USDA Soil Survey of Lake County Area, Montana, 1997)

Lake County contains both irrigated and dry lands in crop and livestock production. The majority of land in crop production is irrigated,

Table 3-1: Approximate Land Ownership in Lake County

Land Ownership Status	Acreage	Percent of Area of County
Fee (both Tribal and non-Tribal members)	364,882	35%
Tribal	290,103	27%
Federal Government	168,989	16%
Water*	102,495	10%
State Government	65,668	6%
Large Corporate	64,000	6%
Conservation Organization	524	.05%
Local Government	87	.001%
Total Surface Area	1,056,679	100%

Source: Montana State Library GIS data

* The Ninth District Court of Appeals found that the Confederated Salish & Kootenai Tribes own the bed and banks of the southern half of Flathead Lake. The water rights on the Flathead Indian Reservation have not yet been adjudicated.

velopment is found in the valley bottoms in and around the cities and towns, along stretches of lakeshore and along major roadways. Table 3-1 is a breakdown of land ownership that lists the types of landholders and land ownership status, approximate acreage, and percentages of the total land held in Lake County.

Agriculture

Agriculture is an important industry in Lake County. It contributes not only to family income, food production and the beautiful setting but is

with 73 percent of the acreage under irrigation in 2001. The agricultural heart of Lake County is located in the Mission and Jocko Valleys, between Polson and Arlee, where good soils and extensive irrigation systems are found. Other irrigated crop and pasture land is found around Moiese, in the Proctor Valley, in the Valley View area and along the Little Bitterroot River on the western edge of Lake County. Local farmers and ranchers produce alfalfa, hay, cattle, corn, sheep, dairy products, small grains, seed potatoes and fruit. Small grains and seed potatoes are the largest cash crops, along with cattle. In

2001, Lake County had 1,880 acres in potato production. Although this was a decrease from 2300 acres in 1997, Lake County still retained the number two ranking in the state behind Gallatin County.

Small grains grown in Lake County include spring and winter wheat, oats and barley. The amount of acreage in grain production declined

along the east and west shores of Flathead Lake due to the exceptionally moderate microclimate that the lake produces. (These products are typically grown at lower latitudes.) Weather remains a concern, however, and periodically a severe freeze kills a large percentage of the cherry trees. The last time this happened was in the early 1990s. The trees have since been replaced, but

Table 3-2: Agricultural Production 1997 & 2001

Ag Product	1997		2001	
	Acres	Rank	Acres	Rank
All Grain	20,000	N/A	16,500	N/A
Potatoes	2300	2	1800	2
Hay	66,000	5	66,000	4
	Total	Rank	Total	Rank
Milk Cows	1600	4	1200	4
Beef Cows	31,200	20	32,600	16

Source: USDA, National Agriculture Statistics Service, www.nass.usda.gov/mt

from approximately 20,000 acres in 1997 to 16,500 acres in 2001. Grains produced in Lake County are typically shipped to Lewistown, Idaho for processing. In 2001, Lake County ranked fourth in the state for counties with acreage devoted to hay production, with 66,000 acres. Lake County was number five in the production of milk cows at 1,200 cows and heifers in 2001. The number of beef cattle, 32,600, gave the County a ranking of 16.

Cherries, apples and other fruits are raised

the young orchards are not yet producing at levels comparable to before the freeze. Lake County contains approximately 500 acres of privately owned orchards in cherry production. Apples and raspberries are also produced on a smaller scale. Alternative crops and livestock such as canola, corn, squash, peas and lentils, red deer, goats, emus, ostriches, elk, llamas and miniature donkeys are raised in Lake County as well.

The 1997 US Census of Agriculture re-

Table 3-3: Agricultural Products by Area

Area	Agricultural Products
South of Polson to Arlee	Hay, livestock (sheep, cattle and horses), alfalfa, timber, potatoes, wheat, barley and oats
Irvine Flats	Hay, livestock, small grains and game birds
Northern Lake County	Livestock, irrigated and dry land hay, small grains, timber and orchard crops
Swan Valley	Limited livestock and timber
Lake Mary Ronan and Proctor	Livestock, timber, hay, alfalfa and some grain.
Polson Area	Orchards, Garden fruits, vegetables and flowers

Source: Natural Resource Conservation Service, October, 2002

ported that there were 1,011 farms in Lake County, as opposed to 948 farms in 1992. The definition of a farm used by the Census Bureau is an operation that produces at least \$1,000 of income in a year. The increase in the number of farms contributed to a decline in the average farm size in Lake County from 666 acres in 1992 to 590 acres in 2002. The size of farms in Lake County is considerably smaller than the statewide average of 2,414 acres.

Another factor contributing to smaller farms in Lake County is land is being taken out of production. As noted in Table 3-4, the total amount of land in farms declined from 1992 to 1997. It is expected that the 2002 census and future census figures will reflect a continuation of this trend as more land continues to be divided off from working farms and ranches to create residential parcels. The Census of Agriculture also reports that slightly more than half of farm operations represent full-time occupation for the operator and the majority of farms were operated by individuals as opposed to partnerships or corporations.

It is alarming to note that, according to the Farm Services Agency (FSA), only five percent of the farms in Lake County are self-supporting. The average age of farm operators in 1997 in Lake County was 55 and was comparable to the statewide average age of 54. The FSA re-

ports that long-time operators run many of the farms in Lake County. Although some of these operations will be passed along to family members, others will be sold for development when farmers retire.

Prices for agricultural products produced in Lake County have been subject to national and even international market forces. Price fluctuations, combined with unpredictable weather and other pressures make for a high degree of uncertainty in the future of some agricultural operations. For example, drought in the summer of 1999 reduced the hay available and necessitated the purchase of supplemental feed during the following winter for beef cattle producers. Prices for beef and wheat have fluctuated in Montana over the past two decades, as shown on the following table. Local beef producers have reported small profits in 2002.

Irrigated cropland has been valued at between \$1,200-2,000 per acre in the Mission Valley and \$1000 per acre in the Moiese area. This price range, contrasted with prices up to \$8,000 per acre for good rural house lots, explains the motivation of some agricultural producers to develop their properties. Government agricultural advisors report a small but increasing number of instances where Lake County farmers have sold their agricultural land for development and reinvested the profits in larger operations in

Table 3-4: Farm Statistics 1992 & 1997

Data Item	1992	1997
Number of farms	948	1011
Average size (acres)	666	590
Full-time operators	522	526
Part-time operators	426	485
Land in farms (acres)	631,377	596,726
Average age of farmer	54.9	55.0
Individually owned	825	890
Partnership/Corporation	111	99
Native American operator	Not analyzed	98

Source: U.S. Census Bureau, Census of Agriculture 1992 & 1997

eastern and northern Montana (FSA, personal interview 6/99). According to the Natural Resources Conservation Service (NRCS), dairy and swine operations are disappearing from the area due to lower returns, an aging farm infrastructure that will require costly capital outlay, and escalating land prices. Escalating prices affect

the numerous unincorporated towns. The rural nature of Lake County is evidenced by the fact that there are only three incorporated municipalities: the City of Polson, the City of Ronan and the Town of St. Ignatius. The unincorporated towns include Proctor, Dayton, Elmo, Big Arm, Charlo, Pablo, Moiese, Arlee, Ravalli,

Table 3-5: Commodity Prices

Selected Year	Average Annual Montana Feeder Cattle Prices per hundredweight	Average Wheat Price per Bushel in July
2001	\$80.50	\$3.14
1999	\$67.60	\$2.93
1996	\$53.80	\$4.24
1993	\$75.60	\$3.50
1990	\$70.60	\$2.65
1980	\$58.00	\$4.14

Source: USDA National Agricultural Statistics Service

the profitability of all agricultural operations in the area and as economic returns for producers have dropped, the option of subdividing has been and will continue to become more attractive.

Farmers and ranchers in Lake County have access to technical assistance from the NRCS in Ronan, the Lake County Extension Service, the NRCS Tribal Office, the Tribal Extension Office and the Montana Stockgrowers Association. The FSA in Ronan is the government agricultural lender. The U.S. Congress recently established the Farmland Protection Program for which the NRCS has administrative responsibility. This program, which could assist Lake County farmers, was authorized, but not funded.

Land Development

Developed Areas

The developed areas in Lake County include both the incorporated cities and towns and

Rollins, Woods Bay, Yellow Bay, Finley Point, Ferndale, Salmon Prairie and Swan Lake. Because much of the population in Lake County lives outside of incorporated towns, county government plays an important role in land use decisions.

The three largest commerce centers within Lake County are Polson, Ronan and St. Ignatius, all of which are bisected by Highway 93. While much of the commercial/industrial development is located within the limits of these cities, development has crept north and south of both due to exposure along the highway. Arlee has also experienced commercial development along the highway frontage. In general, retail businesses are located in the centers of the communities, while light manufacturing, mini storage, some services and retail sales such as auto dealers (which require more space) are located at and beyond the edges of the communities. Due to the volume of recreational traffic using and pass-

ing through Lake County on Highway 93 and 35, there are many gas and convenience-type stores located along Highway 93, particularly around Polson and in the southern areas.

Communities in Lake County fall into several categories with respect to their geographic settings. The largest category is made up of those places located along U.S. Highway 93. This includes all of the incorporated entities—Polson, St. Ignatius and Ronan—and Pablo, Arlee and Ravalli, which are unincorporated. Charlo is located off Highway 93 but sits on a rail line and along Highway 212. With the ex-

unincorporated, are situated on the shores of Flathead Lake. These include Big Arm, Dayton, Rollins, and Elmo on the western side, also located along or just off Highway 93. On the eastern side of Flathead Lake are Finley Point, Yellow Bay and Woods Bay, all of which are accessed via Highway 35. The terrain in these areas has more relief than in the valley bottoms, and Flathead Lake constrains expansion, making development more challenging, but offering excellent views, recreational opportunities and nearby highway access.

The remaining towns are Proctor, northwest



Ronan sign located on Main Street.

ception of Ravalli, which is constrained by topography, the locations of these communities offer level to nearly-level building sites, easy highway access, room for expansion, scenic vistas and good water quality. These areas are prime for expansion, but generally lack excess public sewer and water capacity. The few constraints to expansion that do exist in the valley communities include the depth to groundwater (which varies from extremely shallow to very deep in areas), clayey soils that demand enhanced individual sewage treatment systems and close proximity to important wildlife habitat in some areas.

Most of the remaining communities, all

of Flathead Lake, and Ferndale, Salmon Prairie and Swan Lake in the Swan Valley. All of these unincorporated communities are located outside of the Flathead Reservation boundary. Proctor is off the main highway system, and the communities in the Swan Valley are located on Highway 83, a secondary state highway that runs the length of the valley. Ferndale is located along Highway 209 between Bigfork and the Swan Valley and is one of the most rapidly growing areas of Lake County due to its scenic, forested setting and proximity to Kalispell.

How and where future development occurs can be guided in a number of ways. Incentives can be used to encourage development in certain areas. Regulations can also be used to dis-

courage development in specific locations, or a combination of regulations and incentives may be implemented.

Development within cities and towns on land already served by sewer and water, or infilling, is almost always the most efficient development from a cost-of-services standpoint. If natural characteristics such as topography, soils, and groundwater are not limiting, enlargement of existing communities is generally the second most efficient pattern of growth. Both infilling and developing areas adjacent to existing cities and towns tends to limit the costs of providing road and emergency services, preserves agricultural land, open space, scenic vistas, and wildlife habitat, and protects air and water quality. Infrastructure, such as water, sewer, power, phone and transportation systems can be efficiently expanded to serve additional areas. As a general rule of thumb, denser developments have smaller “footprints” on the land and lower costs per capita to provide equivalent essential services. However, not everyone wants to live in or near population centers.

The CS&K Tribes have expressed concern about the level of development which is occurring in the area and the resulting degree to which non-Tribal members outnumber tribal members within the reservation boundary. The ratio of non-Indian to Indian residents is at least 3:1 in Lake County. Human-induced compromise and/or degradation of the natural resources, such as air quality, water quality and wildlife habitat are reportedly also of concern to the Tribes.

As more people move to Lake County, established residents tend to feel the growing pains. The type of conflict most often and most loudly heard centers around land development proposals that residents feel are incompatible with local character. These proposals can be controversial because they propose to dramatically increase the traditional density and change the land use of an area. Another source of friction is the lack of respect for farming operations when they conflict with residential neighborhood lifestyles (loose dogs, swift traffic, failure

to control noxious weeds, etc.). Another concern has been the lack of height limitations in residential areas where views of the lakes and the mountains are important assets to property owners.

The 1993 Polson Master Plan notes that new residential development could consume as much as 700 acres by 2015. This would exhaust existing supplies of land around Polson and put development pressures on the west shore, the eastern edge of the city, and lands to the south. Large agricultural or vacant parcels along U.S. Highway 93 and Montana Highway 35 may be suitable for future commercial and industrial development but land use conflicts are also anticipated.

The Flathead Reservation Comprehensive Resources Plan notes the proliferation of advertising signs along U.S. Highway 93. The number and density of signs has steadily increased in recent years, particularly in close proximity to Polson. The signs are loosely regulated by Lake County and are currently not regulated by the Tribes. Advertising signs provide effective advertising options to local business owners while sometimes obstructing beautiful and economically important scenery. The plan recommends that a study be conducted on their impacts. Any such study should recognize the importance the signs have to local business owners, the aesthetic and economic value of the scenery that is obstructed and other viable advertising options.

Land Divisions

Overall, between 1993 and 2002, Lake County reviewed over 800 land divisions of all types that resulted in the creation of thousands of new lots. The dramatic increase in the number of subdivided lots is the result of at least a few factors. First, some of the 1999 subdivisions contained a large number of lots (for example, a subdivision adjacent to Ronan was approved for 167 lots). Second, the combination of escalating real estate values, the increase in the average age of farmers and ranchers and low

and fluctuating commodity prices provide incentive for farm and ranch families to divide their land. Third, Montana law has become more stringent and now requires more types of land divisions to go through the subdivision review process. And finally, strong population growth appears to be creating the need for more buildable lots.

Whatever the causes, it is clear that land was subdivided during the 1990s at a steady rate throughout Lake County. However, subdivision tailed off somewhat in 2002. This appears to be due to the lack of certainty regarding water rights on the Flathead Reservation, but also may be due in part to the uncertain national economy and recent layoffs at Jore Corporation, one of Lake County's largest employers.

Landowners wishing to subdivide fee-status land in unincorporated areas must comply with the Lake County Subdivision Regulations. These regulations cover the procedures for creating new lots and are designed to ensure that all tracts have adequate road access, public services (police, fire, etc.) and water and sewer capacity, among other things. The Lake County Planning Board reviews the project staff reports, conducts public hearings, and recommends to the County Commission either approval, approval with conditions, or denial of the subdivision application.

A number of different types of land divisions are still exempt from public review and the requirements of the Lake County Subdivision Regulations and Lake County has the responsibility of making sure the exemptions are used in compliance with state law. The exemptions include the gift or sale of parcels to immediate family members (family transfers), newly created parcels to be used exclusively for agriculture or to preserve open-space and court-ordered divisions. Family transfers are by far the most common exemption used to divide property outside of the subdivision process. Exempt land divisions create new par-

cels that require public expenditures such as road maintenance, fire, and police protection but are not required to meet standards for access and safety. Typically, exempt land divisions account for about 30 to 50 new lots per year.

Lands that are divided off from larger parcels will eventually become residential, industrial and commercial sites. Tracking where the divisions occur enables local leaders to predict, guide and plan for future growth, as well as to provide adequate services to those already living in high growth areas. In Lake County, the vast majority of land divisions from 1993 to 2002 took place all along the Highway 93 corridor and in the Woods Bay and Ferndale areas. Until the local communities obtain more public water



Golf course subdivision homes in Polson.

and sewer capacity and there is more certainty regarding water rights on the reservation, it appears that the area that will see the greatest amount of subdivision in the near future will be around Ferndale.

Monitoring where new septic systems are located is another method of determining growth patterns. The Lake County Environmental Health Department designs and, along with the Montana Department of Environmental Quality, permits individual sewage disposal systems. According to the Environmental Health Depart-

ment, the entire west shore of Flathead lake, the area from Polson to Ronan, the Finley Point area, and especially the Woods Bay and Ferndale areas are receiving the most dramatic growth pressures outside of the incorporated areas.

Lake County does not review development proposals on Tribal lands (land held in individual or tribal trust status). The Tribes have a planner who coordinates review with the tribal environmental and cultural programs and the Tribal Council. All tribal homesite development projects on the reservation are processed in accordance with the National Environmental Policy Act, Tribal Land Ordinance 45B (the primary tribal land use ordinance), and other federal and tribal laws. All subdivision applications received by Lake County for land on the reservation are routed to the Tribal Planning Office in an effort to further communication.

Land Use Regulations

In addition to subdivision oversight on non-tribal land in the unincorporated areas, Lake County also employs zoning, sanitation, floodplain, and lakeshore protection regulations and zoning conformance and building notification permits. The public has voiced that preserving private property rights is a high priority regarding land use regulation. All land use regulations must strike a balance between protecting the individual's rights and protecting the welfare of the community. The challenge is finding where those two interests meet.

There are three appointed planning boards in Lake County. Lake County has a staff of three planners, a planning board with nine seats, and a board of adjustment with five seats. The City of Polson has a Master Plan, a planner and a planning board. The City of Ronan has a zoning ordinance in place and has a seven-member planning board that utilizes Lake County planning staff. St. Ignatius adopted the first Growth Policy in Montana and has a zoning ordinance, a planning board and a board of adjustment.

The Lake County Commissioners have

chosen to not zone the county as a whole, but instead has staff planners facilitate groups wishing to form zoning districts and regulations in specific areas. In *Brendale v. the Confederated Tribes of the Yakima Indian Nation*, the U.S. Supreme Court established that a county has the authority to zone non-tribal fee lands on a reservation unless the exercise of this authority threatens the political integrity, economic security, or the health and welfare of the tribes. The Lake County Planning Department maintains 10 zoned areas in addition to the incorporated areas, as shown on the map titled "Zoned Areas." These zoned areas and the accompanying regulations were made legally binding by resolution, yet the spark behind them was a group of citizens motivated to preserve property values, neighborhood character and plan for future growth. Each of the Lake County-maintained zoned areas borders a lake. Seven of these areas are located on Flathead Lake, two on Swan Lake and one on Lake Mary Ronan.

The zoned areas were established to promote the general health, safety and welfare of the citizens, and to guide appropriate development and land uses. Each of the zoned areas was designed largely to promote a residential environment, except for the City of Polson's planning area, which also has commercial and industrial areas. Most of the other areas prohibit or minimize commercial and industrial activity with the exception of agriculture and forestry. Density allowances, setback requirements, minimum square footage, lake front footage, and prohibited uses vary between the areas. All of the zoned areas go through periodic review and allow for amendment. Enforcement is difficult in a rural county with limited staffing. The Lake County Planning Department is typically made aware of infractions by local landowners and then follows-up accordingly.

Perhaps the most effective land-use program in Lake County in terms of protecting both human health and safety and water quality is administered by the Environmental Health De-

partment. This department designs and permits individual sewage disposal systems with varying treatment levels, depending on site-specific factors such as soil type and proximity to ground and surface water. All drainfields in Lake County must be located at least 100 feet from any well or surface water and 10 feet from any property boundary. The typical minimum size for a lot not connected to a municipal sewer is one acre.

The Lake County Floodplain Regulations were adopted in 1991 in order to comply with the Montana Floodplain and Floodway Management Act. The regulations apply only to non-tribal land held in fee status within the 100-year floodplain of any river or stream in the county that was recognized during the Federal Emergency Management Agency's 1987 flood insurance study. The regulations require a permit for development work within the floodplain and prohibit residential, commercial or industrial structures and development that is likely to increase a flood's velocity and volume.

Lake County's Lakeshore Protection Regulations were designed to help protect the water quality of Swan Lake, Flathead Lake and Lake Mary Ronan by establishing a permit process that governs the type and extent of work that can take place in their immediate vicinity. On the Flathead Reservation, the regulations apply to the area from the high water mark of Flathead Lake to 20 feet landward. (The Tribes are responsible for the bed of the lake to the high water mark.) Off the Reservation, the Lakeshore Protection Regulations include the bed of lakes and cover the area 20 feet inland from the high water mark. The Lake County Planning Department makes a concerted effort to work with the Confederated Salish & Kootenai Tribes' Shoreline Protection Office to protect water quality in the local lakes.

Conservation Lands

A number of non-profit organizations hold conservation easements in Lake County. The Montana Land Reliance (MLR) currently holds

easements totaling approximately 4,500 acres in the county. These easements are a combination of small properties along lakes and larger properties in agricultural production. Easements are held along Swan Lake and Finley Point on Flathead Lake to protect the land from subdivision. Easements are held on agricultural lands along the Mission Front to preserve open space and to protect grizzly habitat and minimize the human-bear interaction that is made ever more likely by new subdivision. There are four properties held by MLR in the Arlee area, and the organization is hoping to establish a block of easements along the Jocko River to preserve riparian habitat and agricultural land.

The Nature Conservancy (TNC) also has property interests in Lake County. TNC owns two preserves, the 132-acre Safe Harbor Marsh on the southwest corner of Flathead Lake, and the 392-acre Swan River Oxbow Preserve located at the south end of Swan Lake. TNC holds one easement on 390 acres on the northwest corner of Swan Lake. The organization emphasizes low-impact resource management, prohibition of subdivision, and retention of native plant and animal communities on its properties.

Four additional organizations are active in western Montana. The Flathead Land Trust, located in Kalispell, recently filed its first easement in Lake County. The Five Valleys Land Trust, located in Missoula, is in the process of negotiating an easement in the Mission Valley, which has not yet been completed. The non-profit land trust organizations operate on an opportunistic basis with willing landowners where easements can meet both the conservation and tax-relief goals of the landowners. These organizations have prioritized or targeted areas that are largely based on conservation value such as the presence of wetlands and streams, grizzly bears, etc. They accept donated easements and do not typically pay for easements. One obstacle with these privately held easements is they typically require a landowner to pay the up-front costs associated with appraisal and legal work. This is sometimes difficult for local landowners, despite the potential tax benefits.

The USFWS holds 5,000 acres of conservation easements with non-development clauses surrounding Ninepipe Refuge. Most of these easements are perpetual and have been purchased. The Rocky Mountain Elk Foundation and the Montana Department of Fish, Wildlife and Parks both hold easements across the state, but do not have any in Lake County at this time.

Like the U.S. Fish and Wildlife Service, these organizations are able to provide direct financial compensation to landowners.

The Ronan-based Lower Flathead Community Foundation seeks to bring Tribal and non-Tribal members together to work on projects to preserve and conserve the cultural, natural and human resources of the area. This foundation is pursuing a “planned rural development” program. Recognizing that subdivision is inevitable, the Foundation’s goal is to make money available to the landowner (primarily retiring farmers) up front, through loans and other incentives, in exchange for guiding how development of the property occurs. They intend to encourage landowners to preserve wildlife habitat and agricultural use while realizing a high dollar return on development. The strategy will use technical help in planning and guiding the landowner so that everyone benefits in the long run, the landowner and the public. The Community Foundation, which is relatively new, has not yet initiated the program (Chronicle of Community, Vol.3 No.3, Spring 1999, Foundation Director interview, 8/99).

Lake County is generally supportive of conservation easements if development rights are purchased, historic land uses continue and



The Nature Conservancy’s Safe Harbor Marsh in the Rocky Point Area.

the land remains in taxable status.

Wilderness and Recreation

Recreational opportunities in Lake County are provided by the various cities and towns, Lake County, the state, the federal government and the Confederated Salish & Kootenai Tribes. Currently, the City of Polson has 173 acres of parkland, although a large portion of this remains undeveloped. The developed portions include a baseball and soccer complex, fairgrounds and several small lakefront parks. In addition to these parks, Polson operates a 27-hole municipal golf course. Ronan has a city park which includes a picnic area, softball and baseball fields. A privately owned golf course in Ronan is open to the public. St. Ignatius has three parks within its boundaries. Elders Park, which is Tribally owned, has a picnic area, playground, softball and soccer fields and a walking track. Memorial Park has a picnic area. Taelman Park has restrooms, tennis courts and a picnic area.

In 1994 the Lake County Park Board compiled an inventory of 88 properties that were in public ownership. Each parcel was located, described and assessed for development potential. The Park Board chose the Chuck Dixon 4-H

Park in the Rocky Point area of Flathead Lake as the most promising and developed a lake access and day use site. Since that time the Park Board has been relatively inactive. It is hoped that in the coming years Lake County will develop a coordinated recreation plan with other landholders and management agencies for the purpose of providing recreational facilities to the public.

are developable. These properties are associated with the villas platted by the U.S. government in the early 1900s to encourage settlement of the area.

The state of Montana manages lands for recreation and wildlife in addition to grazing and timber harvest. FWP owns and manages four state parks in Lake County, including the 2,118-acre Wild Horse Island. Other park units in-

Table 3-6: Lake County Parkland and Public Reserves

County Parkland and Public Reserve Status	Number
Undeveloped	51
County/municipal uses	16
Sports facilities and parks	7
Gravel pits	7
Refuse/dump areas	5
Sewage treatment	2

Source: Inventory of Lake County Public Park and Park Reserves and County Owned Parcels of Land, August 1994.

The County Commissioners encourage subdivision developers to meet their parkland requirements by donating cash-in-lieu of parklands. The cash may then be used to develop some of the land in the county's inventory for public use. Parkland may also be used for public purposes other than recreation, as shown in Table 3-6.

An issue commonly voiced is the lack of public access to Flathead Lake. In 1992, Lake County inventoried public access points. Through that effort, 68 formally federally owned access points and 20 locally owned public access points, many of which were originally created for roadway and stock watering purposes, were identified. Of the 88 access points, 45 are located on the west shore of the Lake and 30 on the east shore. Only nine have been fully developed and 28 partially developed. According to the inventory, 28 are probably not developable, 14 are possibly developable and only nine

include the West Shore, the Big Arm, and the Finley Point Units. FWP also operates the Yellow Bay State Park on the University of Montana Flathead Lake Biological Station property. Except for Wild Horse Island, all units offer camping, fishing, swimming and boating. FWP also manages six fishing access sites in the county. They are located on the Swan River, Flathead Lake (Ducharme, Walstad and Woods Bay), and on Loon and Horseshoe Lakes near Ferndale. Hunting and trapping also occur within the county, however, within the reservation boundary, big game hunting is limited to Tribal members.

The Confederated Tribes provide a variety of recreation experiences for Tribal and non-Tribal members on the reservation portion of Lake County. The Tribes maintain a Wildland Recreation Program that coordinates recreational use and facility development on all Tribal lands, as well as manages a recreational permit

system. Major areas of attention within the Wildland Recreation Program are the Lower Flathead River Corridor, the Mission Mountain Tribal Wilderness, the Wilderness Buffer Zone and Blue Bay Campground. The program manages over 40 campgrounds, 30 backcountry trails, 240,000 acres (most of which overlap with Lake County), and permits approximately 20,000 recreation system users.

The Tribes created the first tribally-designated wilderness in the nation in 1979 when they set aside nearly 92,000 acres as the Mission Mountains Tribal Wilderness. According to the Wildland Recreation Program's 2000 Workplan, the wilderness is managed for the protection of recreational resources that are important to the sustenance, cultural enrichment, and economic support of the Tribes, as well as to promote the conservation, development, and utilization of the recreational resources for the maximum benefit of the Tribes and other recreational users (Tribes 2000). In 1987, the Tribes established a 1.5 mile wide buffer strip along the west edge of the wilderness area to protect the environmental and cultural values. The South Fork of the Jocko has been designated by the Tribes as a

Primitive Area. This area, of which only a small portion lies within Lake County, is for Tribal member use only, for solitude and unconfined recreation (Comprehensive Resources Plan, CS&KT, 1996). The Tribes are considering designating additional lands for use only by Tribal members. The most notable of these are along the Flathead River, McDonald Lake, and Hellroaring Canyon.

The federal government offers year-round recreation opportunities in Lake County. The Flathead National Forest manages lands above the east shore of Flathead Lake and in the Swan Valley that provide opportunity for hiking, camping, hunting, fishing, wildlife viewing, and in the higher elevations of the Swan Range, primitive recreation opportunities. The USFWS manages the National Bison Range and three wildlife refuges. Visitors to the Bison Range can view a variety of ungulate species, birds, and prairie vegetation. The range contains scenic drives, an interpretive center, and a picnic area. Bird watching is popular on the state lands and federal refuges in the central Mission Valley wetland areas. Wildlife viewing is the primary recreational activity on the Swan National Wildlife Refuge.



Lake Mary Ronan offers recreational facilities to residents and visitors.

Land Use

Goals and Objectives

Policy Statement

Lake County will strive to facilitate growth and development while attempting to maintain the high quality of life and sense of community that residents feel by balancing the property rights of individuals and the good of the community.

The goals and objectives provided below were developed by comparing the conditions and trends described in the previous text with public input and the experience of local officials, planning board members and staff. The purpose of this section is to provide a vision of how the community intends to grow (goals) and state the specific steps Lake County intends to take to ensure the goals are achieved (objectives).

After each objective is a phrase or group of phrases in italic print. These phrases indicate the specific tools that Lake County intends to use to achieve the objectives. The tools are described in the implementation section of this document.

1. Goal

Develop policies in conjunction with the Confederated Salish & Kootenai Tribes that apply equally to tribal and non-tribal lands and peoples.

Objectives

- A. Attempt a cooperative planning effort for the U.S. Highway 93 corridor and other areas in order to protect natural and scenic resources. (*Highway 93 planning and intergovernmental coordination*)
- B. Communicate all new policy proposals and rules with the Confederated Salish & Kootenai Tribes in order to determine if the tribal government would be interested in developing parallel policies. (*Intergovernmental coordination*)

2. Goal

Encourage higher density/intensive development to locate near existing population centers and public services.

Objectives

- A. Work with the incorporated towns of Polson, Ronan and St. Ignatius to develop urban growth areas where essential services are to be provided. (*Intergovernmental coordination, density map, capital improvements planning {CIP}, subdivision review and zoning*)

- B. Work with citizens, service providers, developers, water and sewer districts, housing authorities and other stakeholders in the unincorporated towns to expand and maintain the infrastructure so future growth is more likely to locate there. (*Intergovernmental coordination, CIP, subdivision review and zoning*)
- C. Develop and adopt a density map that clearly shows areas of high and low density development in Lake County. (*Density map*)
- D. Develop standards, incentives and a system for the location and appearance of commercial and industrial development that provides options, flexibility and predictability to the development community. (*Subdivision review and zoning*)

3. Goal

Protect agricultural producers from the negative impacts of development in an effort to retain farmland and a rural way of life while allowing landowners to develop their properties to get a return on their investments.

Objectives

- A. Develop and maintain policies in conjunction with the Flathead Irrigation Project, Joint Board of Control and other parties to ensure new residential developments do not compromise the rights of existing irrigators. (*Subdivision review*)
- B. Educate landowners new to the area about the nature of living near agricultural operations including developing a pamphlet describing the need to control noxious weeds, control pets, fence pastures, expect livestock moving down county roads and other issues. (*Public education*)
- C. Develop and implement policies that encourage high-density development within or near existing population centers and discourage the large scale development of rural irrigated land with productive soils. (*Density map, CIP, subdivision review*)
- D. Continue to require that rural subdivisions are adequately fenced, have minimum setback distances from agricultural operations, provide a means for the delivery of irrigation water, control noxious weeds and acknowledge the right to farm on adjoining parcels through covenants. (*Subdivision review*)
- E. When agricultural parcels are to be developed, provide incentives to cluster homes on the least productive portions of the property. (*Density map, subdivision review*)

- F. When zoning and subdivision occur in agricultural areas, ensure that agricultural protection policies deal with the preservation of agricultural land as an economic resource and not simply as open space. (*Zoning and subdivision review*)
- G. Explore modifying subdivision review and density requirements for family members and employees seeking to live on farm and ranch land while still addressing impacts (if any) to public health, safety and the environment. (*Subdivision review*)
- H. Modify existing zoning standards where appropriate to allow safe and sanitary temporary housing for orchard workers. (*Zoning*)

3. Goal

Provide clear and consistent regulatory guidelines to developers early in the review process in order to prevent unanticipated project delays and costs.

Objective

- A. Review and update all existing development guidelines so that they are clear, concise, thorough, and legally sound. (*Lakeshore protection, floodplain permitting, density map, zoning and subdivision review*)
- B. Clearly define the process for reviewing divisions of land exempt from the Subdivision and Platting Act and define when exemptions are properly used and when they are not. (*Subdivision review*)
- C. Clearly define under what circumstances an application for subdivision is deemed to be complete so that the review period may begin. (*Subdivision review*)

4. Goal

Provide a streamlined permitting process to increase the efficiency of reviewing development proposals.

Objectives

- A. Explore the option of developing a streamlined development permit within the Lake County government so that a developer or builder can go to one source for review and approval of projects. (*Intergovernmental coordination*)
- B. Develop policies to allow projects that comply with local zoning, this growth policy and subdivision regulations to be reviewed quickly. For example, compliant minor subdivisions could be reviewed and approved administratively and without a public hearing. (*Zoning and subdivision*)

5. Goal
Provide flexibility within development regulations while promoting citizen involvement.

Objectives

- A. Modify zoning and subdivision regulations to allow for and protect low-impact home occupations where compatible with existing development. (*Zoning and subdivision review*)
- B. Provide the means and criteria to review exceptions and variances from development regulations so long as the potential impacts are adequately mitigated and the spirit of the regulations are upheld. (*Density map, zoning, subdivision review, floodplain permitting and lakeshore protection regulations*)
- C. Review and update policies that make the public aware of development proposals, encourage citizen input and ensure that citizen input is considered by decision makers. (*Intergovernmental coordination and citizen participation*)
- D. Provide facilitation services for the formation of new zoning districts when appropriate. (*Zoning*)
- E. When updating existing development regulations or forming new ones, take the appropriate steps and time needed to inform the public, land managers and other stakeholders and thoroughly include them in the process. (*Intergovernmental coordination and citizen participation*)
- F. Develop a process for the administrative review of adding a home to parcels created for single-family residential use without going through the subdivision review process while still addressing health, safety and environmental impacts (if any). (*Subdivision review*)

6. Goal
Allow outdoor advertising in specific locations along highway corridors but ensure that the advertising does not diminish the visual environment that is integral to a high quality of life and economic development.

Objective

- A. Work with local and tribal government personnel, business groups, and other stakeholders to develop guidelines that allow for outdoor advertising while retaining scenic views from roadways. (*Intergovernmental coordination and citizen participation*)

7. Goal

Find a balance between the rights of the individual and the common good. Protect the private property rights of landowners and respect their wishes to get enjoyment and economic return out of their land and investments. At the same time, ensure that the enjoyment and value of neighboring land is not unreasonably compromised by development projects.

Objectives

- A. When reviewing development proposals, give weight and consideration to the expressed preferences of the developers. The underlying assumption is that landowners may develop their property if applicable requirements are met. (*Subdivision review, lakeshore protection, floodplain permitting and zoning*)
- B. When reviewing development proposals, give weight and consideration to the rights and impacts to property values of neighboring landowners. If impacts from traffic, noise, glare, deteriorated views, etc. are expected to be great, mitigation measures may be required of the developer. (*Subdivision review, lakeshore protection, floodplain permitting and zoning*)
- C. Recognize that some types of development are inappropriate for some areas and prohibit inappropriate development where authorized by law and where the negative impacts cannot be effectively mitigated or the risk of negative impacts is too great. (*Subdivision review, lakeshore protection, floodplain permitting and zoning*)

8. Goal

Protect the natural resources and the character of the different parts of Lake County.

Objectives

- A. When development proposals have the potential to negatively impact natural resources, call on local scientific experts to help review the projects and suggest mitigation measures. (*Intergovernmental coordination, subdivision review, zoning*)
- B. Compile, distribute and implement best management practices for development along water bodies, wildlife habitat and forested areas to make development more compatible with resource areas. (*Special projects, subdivision review and zoning*)
- C. Develop design guidelines for commercial subdivisions including minimum landscaping, traffic flow, signage and appearance standards. (*Subdivision review*)

- D. Work with public water and sewer districts, local governments, agencies and the public to explore how public sewer and water systems along water bodies can result in high-density development that may deteriorate water quality through increased stormwater runoff and explore possible mitigation measures. (*CIP, special projects*)
- E. Require new developments to take steps to limit glare caused by nighttime outdoor lighting. (*Subdivision review and zoning*)
- F. Require a minimum, standard set of covenants for all subdivisions that seek to limit the impacts of the subdivision to natural resources and surrounding landowners. (*Subdivision review*)
- G. Develop standards for the development of common lake or stream access which include criteria for size, minimum frontage, and protection against trespass on adjacent property. (*Subdivision review and zoning*)
- H. Develop standards for recreational vehicle parks which include setbacks from property lines and water bodies, vegetative buffers, signage, visual screening, and other impacts. (*Subdivision review and zoning*)
- I. Act as a clearinghouse for information on conservation easements as a voluntary method of protecting agricultural land and other important resource areas. (*Public education*)

9. Goal

Enable the public to take advantage of local recreational opportunities, particularly access to lakes and streams.

Objective

- A. Develop and implement a parks and recreation plan for the Lake County area in conjunction with the Confederated Salish & Kootenai Tribes, the Montana Department of Fish, Wildlife and Parks, the incorporated towns and other agencies and citizens. (*Recreation planning*)
- B. Help Lake County communities develop parks and recreational facilities in all feasible ways that may include applying for and administering grants, writing letters of support, and providing services when feasible. (*Recreation planning*)
- C. Strive to ensure that public recreational facilities are handicap accessible. (*Recreation planning*)
- D. Promote the development of bike and pedestrian pathways within communities and linking communities to each other. (*Recreation planning and intergovernmental coordination*)

